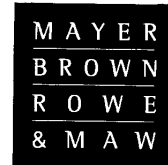
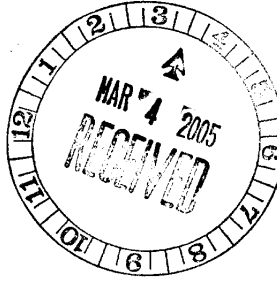


March 4, 2005

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Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

213482

Re: Docket No. 42060 (Sub-No. 1) -- North America
Freight Car Association v. BNSF Railway
Company

Dear Secretary Williams:

By letter filed with the Board on February 25, 2005, counsel for Complainants, with the concurrence of counsel for BNSF Railway Company, notified the Board that a potential discovery impasse existed but requested the Board not to take steps to intervene until hearing further from the parties. By decision served February 28, 2005, the Board extended to March 4, 2005, the due date for parties to notify the Board in writing whether they had reached an impasse with respect to any discovery dispute. Counsel for BNSF have negotiated extensively with counsel for the Complainants and we appear to have resolved many of the discovery disputes between us. We have, however, reached impasse on some interrogatories and document requests. Although we plan to continue to attempt to identify, narrow, and resolve discovery disputes through negotiations, BNSF and the Complainants agree that it would be useful for the Board staff to meet as soon as possible with counsel for the parties to mediate those disputes, and we ask that the Board staff contact counsel for BNSF and the Complainants to arrange such a meeting.

Counsel for the Complainants has authorized counsel for BNSF to state that they concur in this letter.

Sincerely yours,

Robert M. Jenkins III

RMJ/bs

cc: Andrew P. Goldstein